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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

E-FILED - 9/12/07

11 UNITED STATES OF AMERICA,) No. CR 07-00189 RMW
12)
13 Plaintiff,) **STIPULATION TO CONTINUE
14 v.) HEARING AND EXCLUDE TIME;
15)** **[] ORDER**
16 GREGORIO BAUTISTA MUNOZ,)
17)
18 Defendant.)
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Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, September 10, 2007, be continued to Monday, October 01, 2007, at 9:00 a.m. The continuance is requested because the defense has located a psychologist who will evaluate Mr. Bautista on September 17 and will provide a verbal report to the defense shortly thereafter. The evaluation is needed to determine Mr. Bautista's possibility eligibility for a benefit in immigration court called "withholding of removal." To allow time for this process, the defense requests that the hearing be moved from September 10, 2007 to October 01, 2007.

The parties further agree that time should be excluded under the Speedy Trial Act to allow time for the defendant to be evaluated by a psychologist, and the ends of justice outweigh

STIPULATION TO CONTINUE
HEARING DATE; [] ORDER
No. CR 07-00189 RMW

the defendant's and the public's need for a speedy trial.

|| Dated: 09/06/07

/s/
LARA S. VINNARD
Assistant Federal Public Defender

|| Dated: 09/06/07

/s/
BENJAMIN KENNEDY
Assistant United States Attorney

ORDER

The parties have jointly requested a continuance of the hearing set for September 10, 2007, to allow time for the defendant to be evaluated by a psychologist.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for September 10, 2007, be continued to October 01, 2007, at 9:00 a.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from September 10, 2007, to October 01, 2007, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

|| Dated: 9/12/07

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge